U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)
FILE NUMBER: 2000-01444

PROJECT	LOCATION	INFORMATION:
0		Many Wants

State: New York County: Orange

Center coordinates of site (latitude/longitude): lat:41-26-33.0000 lon:74-21-38.0160 Approximate size of area (parcel) reviewed, including uplands: 86.4429 acres.

Name of nearest waterway: Wallkill River

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date

Site visit(s) [X] Date(s): May 6, 2004

Jurisdictional Determination (JD):

[] Preliminar	ry JD - Bas	sed on av	vailable inf	ormation	ı, [] :	there ap	pear to	be (or)	[] there ap	pear to be no '	waters of t	he
Un	ited States'	and/or	"navigable	waters o	of the	United	States"	on the	project site.	A preliminar	y JD is not	appealable
(Re	eference 33	CFR pa	ırt 331).									

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10.37 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters on site include the Wallkill River and unnamed tributary to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	[] other.
[] other:	
[] Mann High Water Mayle indicated has	
[] Mean High Water Mark indicated by:	5.1 modello a Procedencia de Company
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
	P. mont 238(a)(1 - 2 - m 4.7)
[] Unable to confirm the presence of waters in 33 CF	
[] Headquarters declined to approve jurisdiction on the	
the United States:	that the following waters present on the site are not Waters of
	ands or logoons, nursuant to 22 CED next 239 2
[] Waste treatment systems, including treatment po	
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds created by excavating	<u> </u>
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
abandoned and the resulting body of water meet 328.3(a).	s the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland with no nexus to int	erstate commerce.
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
Other (explain):	,
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that anniv)
[X] Maps, plans, plots or plat submitted by or on beha	• • • • •
[X] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the delineation report,	
• •	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	0.1. \n/
[X] U.S. Geological Survey 7.5 Minute Topographic m	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadran	_
[X] USDA Natural Resources Conservation Service So-	Il Survey: Orange County, NY
[X] National wetlands inventory maps: Goshen, NY	
[X] State/Local wetland inventory maps: Goshen, NY	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: May 6, 2004	Į
[] Applicable/supporting case law:	
[] Other information (please specify):	
[] - mar miletimeter (presses special).	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2002-01538

PΓ	n	H	CT	T.	O	C^{λ}	ľ	ГI	O	N	1	N	F	റ	R	M	ſΔ	T	Tí	7	V	٠
1 I	v	71	\sim 1	- 1	v	U.	ı.	11	•	46			ı II'	v	1	ĿΥ.	L		ı١	- 1		×

State:

New York

County:

Saratoga

Center coordinates of site (latitude/longitude): lat:42-59-3.0120 lon:73-47-54.9960 Approximate size of area (parcel) reviewed, including uplands: 156.82 acres.

Name of nearest waterway: Unnamed Tributary to Drummond Creek (Saratoga Lake)

Name of watershed:

HUDSON RIVER - NORTH OF TROY

[X]

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

Date:

Site visit(s)

Date(s): July 30, 2003 and July 21, 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 17.07 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Four of the wetlands on the project site flow generally to the west and are connected via culverts to an unnamed tributary to Drummond Creek, a tributary to Saratoga Lake that is considered to be navigable. The other four wetlands on the site flow generally to the east and are connected via culverts to an unnamed tributary to Saratoga Lake.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other: [] ordinary High Water Mark indicated by: [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Boswell Engineering
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [X] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [] This office concurs with the delineation report, dated , prepared by (company): [] This office does not concur with the delineation report, dated , prepared by (company): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Round Lake, NY [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] USDA Natural Resources Conservation Service Soil Survey: [X] National wetlands inventory maps: Round Lake, NY [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): October 21, 2001, and July 30, 2003 [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: July 30, 2003, and July 21, 2004 [] Applicable/supporting case law: [] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2003-00255

PROJECT LOCATION INFORMA	ΥI	HON	:
--------------------------	----	-----	---

State:

New York

County:

Orange

Center coordinates of site (latitude/longitude): lat:41-22-43.8960 lon:74-22-2.9280

Approximate size of area (parcel) reviewed, including uplands: 66.50 acres.

Name of nearest waterway: Unnamed Tributary to Wallkill River

HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed:

JURISDICTIONAL DET	ERMINATION	
O1.41	D. d 1.4	

Completeu:	Site visit(s)	[X]	Date(s): July 17, 2003
Jurisdictional D	etermination (JD):		
United States		, L] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[X] Approved JE Check all that	• • • • • • • • • • • • • • • • • • • •	pealable a	action (Reference 33 CFR part 331).
	"navigable waters of the Un reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	"waters of the United State area. Approximate size of ju		ined by 33 CFR part 328 and associated guidance) within the nal area: 13.45 acres.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributaries to Wallkill River which flows into Rondout Creek, which flows into the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		[] other.
	[] other:	
	[] Mean High Water Mark indicated by:	
		. [] vagatation lines/changes in vagatation types
	[] survey to available datum; [] physical markings	s, [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	•
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	e part 328(a)(1 2 or 4-7)
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	1
	[] Waste treatment systems, including treatment por	•
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
	retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	ater for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incident	dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to inte	rstate commerce.
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	
	[] Other (explain):	3 on dry land. Explain sacionals.
	[] Other (explain).	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behal	f of the applicant.
	[X] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report, of	
	[] This office does not concur with the delineation	
	Data sheets prepared by the Corps.	report, dated , prepared of (company).
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	and Carley NOV
	[X] U.S. Geological Survey 7.5 Minute Topographic m	
	[] U.S. Geological Survey 7.5 Minute Historic quadrar	
	[] U.S. Geological Survey 15 Minute Historic quadran	
	[X] USDA Natural Resources Conservation Service Soi	l Survey: Orange County, NY
	[X] National wetlands inventory maps: Goshen, NY	
	[X] State/Local wetland inventory maps: Goshen, NY	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: July 17, 200	3
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01212 PROJECT LOCATION INFORMATION: New York State: County: Rockland Center coordinates of site (latitude/longitude): lat:41-12-57.9960 lon:74-0-52.9920 Approximate size of area (parcel) reviewed, including uplands: 3 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: October 31, 2003 [X] Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed stream is tributary to the Hudson River which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other: Applicant's drawings
	[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [] Data sheets prepared/submitted by or on behalf of the applicant. [] This office concurs with the delineation report, dated , prepared by (company): [] This office does not concur with the delineation report, dated , prepared by (company): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S.DA Natural Resources Conservation Service Soil Survey: [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01438 PROJECT LOCATION INFORMATION: State: New York County: Kings Center coordinates of site (latitude/longitude): lat:40-36-27.0000 lon:73-54-7.9200 Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: East Mill Basin Name of watershed: JAMAICA BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: January 23, 2004 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[] (2) The presence of interstate waters including interstate wetlands ¹ .
[] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):
[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
F1/07 1 . C . d 1 1 1 C

[] (4) Impoundments of waters otherwise defined as waters of the US.

[] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Mill Basin is tidally influenced and is a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR p	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[X] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		i jouici.
	[] other:	
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
	[,,, [,],, [,]	, []
	[] Wetland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		nat the following waters present on the site are not Waters of
	the United States:	and the following waters present on the site are not waters of
	[] Waste treatment systems, including treatment por	nds or Jagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	den purposes as stock watering, irrigation, settling basins, or
	[] Artificial reflecting or swimming pools or other s	small armamental hading of water greated
	by excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inter	
	[] Prior converted cropland, as determined by the N	atural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	on dry land Evaluin rationale
	[] Other (explain):	off dry fand. Explain fationale.
	[] Other (explain).	
DATA 1	REVIEWED FOR JURISDICTIONAL DETERMINAT	
	[X] Maps, plans, plots or plat submitted by or on behalf	f of the applicant.
	[] Data sheets prepared/submitted by or on behalf of th	e applicant.
	[] This office concurs with the delineation report, d	ated , prepared by (company):
	[] This office does not concur with the delineation in	
	Data sheets prepared by the Corps.	, r . r
	Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic may	ne:
	U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 1.5 Minute Historic quadrang	
	[] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION Revised 8/13/04 U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00286 PROJECT LOCATION INFORMATION: State: New York County: Columbia Center coordinates of site (latitude/longitude): lat:42-6-47.4120 lon:73-33-47.9160 Approximate size of area (parcel) reviewed, including uplands: 19.4 acres. Name of nearest waterway: Roeliff Jansen Kill Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit [X] Date: May 10, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.05 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands and streams are associated with tributary systems to the Roeliff Jansen Kill and Taghkanic Creek, which ultimately discharge into the Hudson River.

	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [X] shelving [X] other: [X] clear, natural line impressed on the bank [X] oil or scum line along shore objects [X] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [X] tidal gages [X] tidal gages [X] other:
[Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	K] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Clough, arbour and Associates, LLP.
	asis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Thifficial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Solvent and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Solvent and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
(1)	A REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): (1) Maps, plans, plots or plat submitted by or on behalf of the applicant. (2) Data sheets prepared/submitted by or on behalf of the applicant. (X) This office concurs with the delineation report, dated 17 March 2004, prepared by Clough, Harbour and Associates, LLP. (1) This office does not concur with the delineation report, dated prepared by (company): (2) Data sheets prepared by the Corps. (3) Corps' navigable waters' studies: (4) U.S. Geological Survey Hydrologic Atlas: (5) U.S. Geological Survey 7.5 Minute Topographic maps: (6) U.S. Geological Survey 15 Minute Historic quadrangles: (7) U.S. Geological Survey 15 Minute Historic quadrangles: (8) U.S. Geological Survey 15 Minute Historic quadrangles: (9) USDA Natural Resources Conservation Service Soil Survey: (1) National wetlands inventory maps: (2) State/Local wetland inventory maps: (3) State/Local wetland inventory maps: (4) Interpolation (Interpolation (Int

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2004-00427

PROJECT	LOCATION	INFORMATION:

State:

New York

County:

Orange

Center coordinates of site (latitude/longitude): lat:41-20-45.3840 lon:74-35-30.0840

Approximate size of area (parcel) reviewed, including uplands: 87 acres.

Name of nearest waterway: Unnamed Tributary to Rutgers Creek

Name of watershed:

HUDSON RIVER - YONKERS TO POUGHKEEPSIE

[X]

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

Site visit(s)

Date(s): May 26, 2004

Jurisdictional Determination (JD):

[] Prelin	ninary JD - Ba	ased on a	vailable inf	ormation,	, [] <i>t</i>	there ap	pear to	be (or)) [] there ap	pear to be no '	'waters of	the
	United State	s" and/or	"navigable	waters of	f the	United	States"	on the	project site.	A preliminar	y JD is not	appealable
	(Reference 3	3 CFR pa	art 331).									

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 22.3 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributary to Rutgers Creek, which flows into the Wallkill River, which flows into Rondout Creek, which flows into the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR p [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [X] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by:
[[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
[[X] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
]]]	the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for s rice growing. [] Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain was [] Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unle abandoned and the resulting body of water meets 328.3(a). [X] Isolated, intrastate wetland with no nexus to interpretations.	basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of ads or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. and/or diking dry land to collect and uch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR entate commerce. eatural Resources Conservation Service. Explain rationale:
	TA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behalf [X] Data sheets prepared/submitted by or on behalf of the state o	f of the applicant. t

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2004-00795

PROJECT	LOCATION	INFORMATIO)N:

State:

New Jersey

County:

Hudson

Center coordinates of site (latitude/longitude): lat:40-45-59.0040 lon:74-3-34.9920

Approximate size of area (parcel) reviewed, including uplands: 0.92 acres.

Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

Date:

[]

[X]Date(s): August 30, 2004

Jurisdictional Determination (JD):

[]	Preliminary JD - Ba	sed on a	vailable inf	ormation,	[] there	appear to	be (or)) [] there app	pear to be no "	waters of t	the
	United States	and/or	"navigable	waters of	the Unit	ed States'	on the	project site.	A preliminary	JD is not	appealable
	(Reference 3	3 CFR pa	art 331).								

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acres.
 - [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

The site is located behind an existing tidegate located on Penhorn Creek. Prior to the installation of tide gates within and adjacent to the project area, the waters of the United States and wetlands referenced above were tidal at one time, and therefore remain navigable waters of the United States at law, and are subject to the Section 10 jurisdiction of the Corps.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[](2)	The presence of interstate waters including interstate wetlands ¹ .
[](3)	The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	[] other.
[] vine	
[X] Mean High Water Mark indicated by:	
[X] survey to available datum; [] physical marking	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we	tland delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
[] The Corps has made a case-specific determination the United States:	that the following waters present on the site are not Waters of
[] Waste treatment systems, including treatment p	onds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	r small ornamental bodies of water created
by excavating and/or diking dry land to retain	water for primarily aesthetic reasons.
[] Water-filled depressions created in dry land inc	ridental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel un	less and until the construction or excavation operation is
abandoned and the resulting body of water mee 328.3(a).	ets the definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to int	erstate commerce.
[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavat	ed on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on beha-	
[X] Data sheets prepared/submitted by or on behalf of	
	, dated June 30, 2004, prepared by Michael Nevins, P.W.S.
[] This office does not concur with the delineation	
[] Data sheets prepared by the Corps.	, p.
[X] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic r	maps:
[] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadra	
[] USDA Natural Resources Conservation Service So	il Survey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on August 30,	2004
[] Applicable/supporting case law:	
[] Other information (please specify):	
	s and criteria established in the Corps Wetland Delineation Manual

¹W (87 ¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made

dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00978 PROJECT LOCATION INFORMATION: New York County: Nassau Center coordinates of site (latitude/longitude): lat:40-39-29.9880 lon:73-36-29.9880 Approximate size of area (parcel) reviewed, including uplands: 2 acres Name of nearest waterway: Freeport Creek Name of watershed: HEMPSTEAD BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: November 10, 2004 Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Freeport Creek is tidally influenced and is a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR processes of the bank of the presence of litter and debris of the presence of litter and debris of the presence of litter and debris of the character of soil of destruction of terrestrial vegetation of shelving of the character of soil of the ch	[] acts 328 and 329) [X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other to by excavating and/or diking dry land to retain water and the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interpretations.	e basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of sinds or lagoons, pursuant to 33 CFR part 328.3. The upland if the irrigation ceased. The and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created after for primarily aesthetic reasons. The definition of waters of the United States found at 33 CFR artstate commerce. The artstate commerce. The artstate state is a stock water of the United States found at 33 CFR artstate commerce. The artstate commerce is a stock water of the United States found at 33 CFR artstate commerce. The artstate commerce is a stock water of the United States found at 33 CFR artstate commerce.
[] Wash plans, plots or plat submitted by or on behalf of the [] This office concurs with the delineation report, de [] This office does not concur with the delineation [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic ma [] U.S. Geological Survey 7.5 Minute Historic quadrant [] U.S. Geological Survey 15 Minute Historic quadrant [] U.S. Geological Survey 15 Minute Historic quadrant [] USDA Natural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	f of the applicant. ne applicant. lated , prepared by (company): report, dated , prepared by (company): ps: ngles: gles:

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2004-00990

PROJECT LOCATION INFORMATI	ON	ľ	٧Т	A	1	N	R	I	O	7	П	١	П	٧)	C	ľ	Ί	A	C.)	C	L	Т	C	\mathbf{E}	J	O	R	P
----------------------------	----	---	----	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	----	---	---	---	---	---	--------------	---	---	---	---

State:

New York

County:

Richmond

Center coordinates of site (latitude/longitude): lat:40-38-17.0160 lon:74-10-54.9840

Approximate size of area (parcel) reviewed, including uplands: 15 acres.

Name of nearest waterway: Bridge Creek
Name of watershed: ARTHUR KILL

JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X] Date

[]

Date: February 7, 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

ĮX,	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

- [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Bridge Creek and the adjacent wetlands are tributary to the Arthur Kill which is navigable.

[] Ordinary High [] clear, natura [] the presence [] changes in the control of th	Jurisdiction: (Reference: 33 CF) Water Mark indicated by: I line impressed on the bank of litter and debris he character of soil of terrestrial vegetation	R parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
	ater Mark indicated by: vailable datum; [] physical mark	ings; [] vegetation lines/changes in vegetation types.
[] Wetland bounda	ries, as shown on the attached we	tland delineation map and/or in a delineation report prepared by:
[] The reviewed an [] Unable to confir [] Headquarters de [] The Corps has not the United State [] Waste treatm [] Artificially in [] Artificial law retain water rice growing [] Artificial refusion by excavatin [] Water-filled the purpose of abandoned an 328.3(a). [] Isolated, intresponding [] Unable to confirm [] Isolated, intresponding [] Is	made a case-specific determination es: nent systems, including treatment prigated areas, which would revert tes and ponds created by excavating and which are used exclusively for lecting or swimming pools or othing and/or diking dry land to retain depressions created in dry land in of obtaining fill, sand, or gravel und the resulting body of water meastate wetland with no nexus to in	the basis of 33 CFR part 328.3(a)(3). In that the following waters present on the site are not Waters of a that the following waters present on the site are not Waters of ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. In cidental to construction activity and pits excavated in dry land for no not construction or excavation operation is sets the definition of waters of the United States found at 33 CFR
[] Non-tidal dra [] Other (expla		ted on dry land. Explain rationale:
[X] Maps, plans, pl [] Data sheets prep [] This office of [] This office of [] Data sheets prep [] Corps' navigabl [] U.S. Geological [] U.S. Geological [] U.S. Geological [] U.S. Geological [] U.S. Autural [] National wetlan [] State/Local wetl [] FEMA/FIRM m [] 100-year Flood [] Aerial Photogra [X] Other photogra [] Advanced Identication of the company of the co	e waters' studies: Survey Hydrologic Atlas: Survey 7.5 Minute Topographic is Survey 7.5 Minute Historic quadr. Survey 15 Minute Historic quadr. Resources Conservation Service Seds inventory maps: land inventory maps: aps (Map Name & Date): olain Elevation is: (NGVD) phs (Name & Date): phs (Date): April, May & Sept. 20 ification Wetland maps: hination conducted on: orting case law:	nalf of the applicant. If the applicant. If the applicant. If dated prepared by (company): If the applicant. If the appl

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00129 PROJECT LOCATION INFORMATION: State: New York County: Kings Center coordinates of site (latitude/longitude): lat:40-39-20.5920 lon:73-50-16.2600 Approximate size of area (parcel) reviewed, including uplands: .10 acres. Name of nearest waterway: Shell Bank Basin Name of watershed: JAMAICA BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: February 7, 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
 - sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Shell Bank Basin is tidally influenced and is a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages [] other:		
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.			
[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
the United States:	e basis of 33 CFR part 328.3(a)(3). that the following waters present on the site are not Waters of		
 [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. 			
 [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). 			
[] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):			
DEVIEWED FOR HUDIODICTIONAL DETERMINAT	NON (maybe all that apply).		
REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant.			
[] Data sheets prepared/submitted by or on behalf of the concurs with the delineation report, or			
[] This office does not concur with the delineation report, dated , prepared by (company):			
[] Data sheets prepared by the Corps. [] Corps' navigable waters' studies:			
[] U.S. Geological Survey Hydrologic Atlas:			
[] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 7.5 Minute Historic quadrangles:			
[] U.S. Geological Survey 15 Minute Historic quadrangles: [] USDA Natural Resources Conservation Service Soil Survey:			
[] National wetlands inventory maps:			
[] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date):			
[] 100-year Floodplain Elevation is: (NGVD)			
[] Aerial Photographs (Name & Date): [] Other photographs (Date):			
[] Advanced Identification Wetland maps: [] Site visit/determination conducted on:			
[] Applicable/supporting case law: [] Other information (please specify):			
[] Ones miorination (prease specify).			

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.